

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Inventor(s): ZEICHER

Appln. No.: 08

Series Code ↑

807,500

Serial No.

Filed: February 27, 1997

Hon. Commissioner of Patents
Washington, D.C. 20231

Sir:

REPLY/AMENDMENT/LETTER

Group Art Unit 1635

Examiner: S. McGarry

Atty. Dkt. P 236007

M#

Client Ref

Appln. Title: NUCLEOTIDE SEQUENCE FOR
TREATING CANCER AND INFECTION

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SEP 19 2001

OFFICE OF PETITION Date: September 17, 2001

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated herein by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim

A. ☐ NOT madeB. ☐ WithdrawnC. ☐ made herewithD. ☒ made previously

For B & C

See **Required****Separate Paper**

(Pat-256)

Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code	Lg/Sm
2. Total Effective Claims	17	**minus 27	0	x \$18/\$9 =	+ \$0	103/203
3. Independent Claims	1	***minus 3	0	x \$80/\$40 =	+ \$0	102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application) add				+ \$270/\$135 =	+ \$0	104/204
5. Original due Date: June 17, 2001		<input type="checkbox"/> NONE				
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) (2 mos) (3 mos) (Usable <u>only</u> for ≤ 2mo.OA --- 4 mos) (Usable <u>only</u> for 30 day/1mo.OA --- 5 mos)	\$110/\$55 = \$390/\$195 = \$890/\$445 = \$1390/\$695 = \$1890/\$945 =	+ \$445		115/215 116/216 117/217 118/218 128/228
7. Enter any previous extension fee paid since above original due date and subtract				- \$0		
8. Extension Fee Attached				+ \$445		
9. If Terminal Disclaimer attached, add Rule 20(d) official fee				+ \$110/\$55	+ \$0	148/248
10. If IDS attached requires Official Fee under Rule 97 (c), add				+ \$180	+ \$0	126
or if Rule 97(d) Request add				+ \$180		126
11. After-Final Request Fee per rules 129(a) and 17(r)				+ \$710/355	+ \$0	146/246
12. No. of additional inventions for examination per Rule 129(b)				x \$710/355 ea	+ \$0	149/249
13. Request for Continued Examination (RCE)				+ \$710/355	+ \$0	1179/1279
14. Petition fee for Revival of Appln.				+ \$130		
15. TOTAL FEE ENCLOSED =					\$575	

16. *If the entry in this space is less than entry in next space, the "Present Extra" result is "0".

17. **If the "Highest number previously paid for" in this space is less than 20, write "20" in this space.

18. ***If the "Highest number previously paid for" in this space is less than 3, write "3" in this space.

09/18/2001 SDENB0B1 00000058 08807500

02 FC:217

445.00 DP

Our Deposit Account No. 03-3975)

(Our Order No. 70401

C#

M#

CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP
Intellectual Property Group

1600 Tysons Boulevard

By Atty: Blair E. Taylor

Reg. No. 44370

McLean, VA 22102

Sig:



Fax:

(703) 905-2500

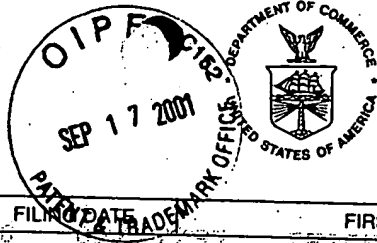
Tel: (703) 905-2000

Tel:

(703) 905-2198

Atty/Sec: BET/LMR

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments



UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO. 03/007,500	FILING DATE SEP 17 2001	FIRST NAMED INVENTOR LEITCHER	ATTORNEY DOCKET NO. 236007
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CUSHMAN DARBY & CUSHMAN
PILLSBURY MADISON AND SUTRO
1100 NEW YORK AVE. NW
9TH FLOOR EAST TOWER
WASHINGTON DC 20005-3918

HM12/0417

EXAMINER MUGGERY, S

ART UNIT 1635	PAPER NUMBER
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DATE MAILED:

04/19/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

RECEIVED

PILLSBURY WINTHROP LLP/DC

APR 19 2001

CL# _____ MT# 236007
ATTY(S) PLS BET
DUE: JUNE 17, 2001
DKT BY (1) LMS (2) _____

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SEP 19 2001

OFFICE OF PETITIONS

BEST AVAILABLE COPY

Notice of Abandonment

Application No.
08/807,500

Applicant(s)
Zeicher

Examiner
Sean McGarry

Group Art Unit
1635



This application is abandoned in view of:

- ☐ applicant's failure to timely file a proper response to the Office letter mailed on _____.
- ☐ A response (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for response (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed response was received on _____, but it does not constitute a proper response to the final rejection.
(A proper response to a final rejection consists only of: a timely filed amendment which places the application in condition for allowance; a Notice of Appeal; or the filing of a continuing application under 37 CFR 1.62 (FWC)).
- ☐ No response has been received.

- ☐ applicant's failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance.
- ☐ The issue fee (with a Certificate of Mailing or Transmission of _____) was received on _____.
- ☐ The submitted issue fee of \$ _____ is insufficient. The issue fee required by 37 CFR 1.18 is \$ _____.
- ☐ The issue fee has not been received.

- ☐ applicant's failure to timely file new formal drawings as required in the Notice of Allowability.
- ☐ Proposed new formal drawings (with a Certificate of Mailing or Transmission of _____) were received on _____.
- ☐ The proposed new formal drawings filed _____ are not acceptable.
- ☐ No proposed new formal drawings have been received.

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- ☐ the express abandonment under 37 CFR 1.62(g) in favor of the FWC application filed on _____.
- ☐ the letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ the letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ the decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☒ the reason(s) below:

Applicant filed an improper RCE on 2/5/01 (see attached Notice of Improper Request for Continued Examination) and the time for a proper response including extensions of time expired upon the improper submission.

SEAN MCGARRY
PRIMARY EXAMINER
TC 1600



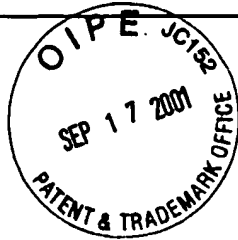
APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

08/807,500



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DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 2/5/01 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

Note: If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

_____, Examining Group _____